

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:23-CR-58 HEA
	)	
GEORGE QUALLS,	)	
	)	
Defendant,	)	

**OPINION, MEMORANDUM AND ORDER**

Pursuant to 28 U.S.C. § 636(b), this Court referred all pretrial matters to United States Magistrate Judge Stephen R. Welby. Judge Welby held an evidentiary hearing in this matter on May 22, 2024, and on September 9, 2024, he filed a Report and Recommendation of United States Magistrate Judge, which recommended that Defendant's Motion to Suppress Physical Evidence and Statements be denied. Defendant filed written objections to the Magistrate Judge's Report and Recommendation on September 23, 2024.

When a party objects to the magistrate judge's Report and Recommendation, the Court must conduct a *de novo* review of the portions of the report, findings, or recommendations to which the party objected. *See United States v. Lothridge*, 324 F.3d 599, 600 (8th Cir. 2003) (citing 28 U.S.C. § 636(b)(1)). The Court has carefully

reviewed the entire record for this purpose, including the transcript of the hearing and all exhibits.

In paragraphs 1-8 of his Objections, Defendant objects that there are certain alleged omissions from Judge Welby's findings of fact. Reviewing these factual objections independently to ascertain whether they materially affect the legal conclusions, this Court has determined that they are without merit. Judge Welby's overall rendition of the facts is supported by the record and the testimony elicited at the evidentiary hearing. Furthermore, the supposed factual omissions have no bearing on either Defendant's standing to challenge law enforcement's access to the private security cameras and the warrantless surveillance of the common areas of the apartment complex, or the probable cause determination as to the affidavit used in support of the search warrant for inside the apartment. Defendant's objections regarding the factual findings are overruled.

In paragraph 9 of his Objections, Defendant makes a generalized objection to Judge Welby's legal conclusions. Defendant does not assert any specific objections to the Magistrate Judge's legal conclusions and merely incorporates the arguments he asserted previously in his various pretrial filings. After careful and independent review of the full record, the Court finds that Judge Welby's Recommendation of denial of Defendant's Motions to Suppress Physical Evidence and Statements is

based on sound legal analysis. The Court agrees with Judge Welby's conclusions in their entirety. The Recommendation is adopted *in toto*.

Accordingly,

**IT IS HEREBY ORDERED** that the objections of Defendant George Qualls are **overruled**. [ECF No. 224]

**IT IS FURTHER ORDERED** that the Report and Recommendation of United States Magistrate Judge is **sustained, adopted and incorporated herein**. [ECF No. 223]

**IT IS FURTHER ORDERED** that Defendant George Qualls's Motion to Suppress Physical Evidence and Statements is **DENIED**. [ECF No. 159]

Dated this 7<sup>th</sup> day of November, 2024.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", is written over a horizontal line.

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE